
**CHILD WELFARE SERVICES PROGRAM
PLACEMENT**

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CHAPTER 31-400 PLACEMENT

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CHAPTER 31-400 PLACEMENT

31-401 GENERAL REQUIREMENTS FOR PLACEMENT 31-401

- .1 The social worker, other representative of the placing agency or another agency providing services, or other adult with whom the child is familiar, shall be present at the time of placement unless the child is placed out of state.
- .2 At the time of initial placement in foster care of a child who is a dependent of the court, the agency responsible for placement and care shall provide information describing the review process, including the permanency planning hearing, and subsequent court and administrative reviews, to the parent(s)/guardian(s); and to the child, if 10 years of age or older.
- .3 The placement of children in the same home or facility when such children have different legal status shall be subject to the provisions of Welfare and Institutions Code Sections 206 and 16514.
- .4 A foster parent providing out-of-home care to a child pursuant to court orders or providing such services to a voluntarily placed child shall have the legal consent authority specified in Health and Safety Code Section 1530.6.

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- .41 This statute provides that such foster parents may give the same legal consent for such child as would a parent except as specified in Sections 31-401.411 through .413.
 - .411 A foster parent does not have the authority to give legal consent for any of the following:
 - (a) Marriage.
 - (b) Entry into the armed forces.
 - (c) Medical or dental treatment which is not ordinary.

HANDBOOK CONTINUES

31-401	GENERAL REQUIREMENTS FOR PLACEMENT (Continued)	31-401
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HANDBOOK CONTINUES

- (1) Ordinary medical or dental treatment includes but is not limited to the following routine services provided by or under the supervision of licensed practitioners of medicine and dentistry to protect or enhance a child's health:
 - (A) Immunizations.
 - (B) Physical examinations.
 - (C) X-rays.
- .412 A parent of a voluntarily placed child has the authority to modify or prohibit consent by a foster parent if a written agreement regarding such modification or prohibition exists between the agency and the parent.
- .413 A court of competent jurisdiction has the authority to issue an order limiting foster parent's authority to give such consent.

HANDBOOK ENDS HERE

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16501, Welfare and Institutions Code; Section 1530.6, Health and Safety Code.

31-405	SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT	31-405
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- .1 When arranging for a child's placement the social worker shall:
 - (a) Meet the requirements specified in Section 31-515 when placing an Indian child.
 - (b) Assist each child in understanding the reason(s) for placement.
 - (c) Arrange for preplacement visitation between the child and the out-of-home care provider, if possible.
 - (d) Assist each child to maintain his/her cultural and ethnic identity.

31-405	SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT	31-405
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- (e) Monitor the child's physical and emotional condition, and take necessary actions to safeguard the child's growth and development while in placement.
- (f) Ensure that information regarding available CHDP services is provided to the out-of-home care provider within 30 days of the date of placement.
- (g) Ensure that the child receives medical and dental care which places attention on preventive health services through the Child Health and Disability Prevention (CHDP) program, or equivalent preventive health services in accordance with the CHDP program's schedule for periodic health assessment.
 - (1) Each child in placement shall receive a medical and dental examination, preferably prior to, but not later than, 30 calendar days after placement.
- (h) Make certain that arrangements for, and monitoring of, the child's educational progress while in placement are undertaken.
- (i) Make arrangements for the out-of-home care provider to have telephone access to a social worker 24 hours a day, seven days a week in case of emergencies involving his/her foster child(ren).
- (j) Ensure that the out-of-home care provider understands and supports the child's case plan, and is aware of any change(s) thereto.
- (k) Provide the out-of-home care provider the child's background information as available, including, but not limited to, the following histories:
 - (1) Educational.
 - (2) Medical.
 - (3) Placement.
 - (4) Family.
 - (5) Behavioral.

31-405	SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT	31-405
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- (l) Provide the out-of-home care provider(s) information of any known or suspected dangerous behavior of the child being placed.
 - (1) The social worker shall document in the case record any information provided to the out-of-home care provider(s) regarding the child's known or suspected dangerous behavior, including the following:
 - (a) Date information was provided.
 - (b) Name of person receiving information.
 - (c) Specific facts provided.
 - (d) Affirmation that the person informed was advised that the facts were confidential and that unauthorized disclosure could result in a fine up to \$1,000.
- (m) Ensure completion of the documentation necessary to initiate AFDC-FC payments, as appropriate.
- (n) Assist the parents to understand their rights and responsibilities while their child is in foster care.
- (o) Document the reason(s) for the following, when applicable:
 - (1) The child's transfer to another placement location.
 - (2) The child's out-of-county or out-of-state placement.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16501, Welfare and Institutions Code.

31-410	TEMPORARY PLACEMENT	31-410
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- .1 Temporary placement services shall consist of emergency shelter care and out-of-home respite care.
- .2 Temporary placement services shall be provided when the social worker has considered and/or used in-home services and has determined that the provision or continued provision of these services will not safely maintain the child in his/her own home.

31-410 TEMPORARY PLACEMENT 31-410
(Continued)

- .3 Emergency shelter care services shall be provided as specified in Section 31-415.
- .4 When selecting a temporary placement for the child, the social worker shall adhere to the following priority order:
- .41 The home of a relative in which the child can be safely placed.
- .42 A licensed foster family home, licensed small family home, or a licensed foster family agency for placement in a family home which has been certified by the foster family agency, a county-operated emergency shelter care facility, or an appropriate certified family home whose license is pending and all the prelicense requirements for such placement have been met as set forth in Welfare and Institutions Code Section 361.2(g).
- .43 A licensed group home.
- .431 Group home placements shall be subjected to the additional criteria specified in Sections 31-420.241(a) and (b).
- .5 The temporary placement shall be based on the following needs of the child including, but not limited to:
- .51 The least restrictive, most family-like environment.
- .52 The child's age and sex.
- .53 The child's health and any special needs of diet, medical or psychological care.
- .54 The possible need for access to or protection from the child's parent(s)/guardian(s).
- .55 The protective needs of the community.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 319 (as amended by Senate Bill 2232, Chapter 1530, Statutes of 1990, 319(d), 361.2(b) and (g), and 16501.1, Welfare and Institutions Code.

31-415	EMERGENCY SHELTER CARE	31-415
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- .1 Provision of emergency shelter care shall not exceed 30 calendar days in any one episode that requires removal of the child except as follows:
 - .11 The county shall be permitted to provide emergency shelter care beyond 30 calendar days only when the case record documents the existence of one of the following circumstances:
 - .111 Emergency shelter care is necessary to meet the continuing protective needs of the child, and there is no other location wherein these protective needs can be met.
 - .112 The child has special needs which render him/her extremely difficult to place, and there is no other location available wherein these special needs can be met.
 - .12 The circumstances permitting extension of emergency shelter care beyond 30 calendar days shall be reviewed and the extension approved in writing by an administrative official higher than a first-level supervisor.
- .2 In no event shall federal and/or state funds appropriated for the purpose of providing any of the child welfare services specified in Division 31 be provided for emergency shelter care beyond 30 calendar days in any one episode except as follows:
 - .21 Each county is permitted to utilize county-only funds to draw down federal financial participation under the Emergency Assistance program, with no state share of cost, in order to provide emergency shelter care beyond 30 calendar days in any one episode if:
 - .211 the child is from a needy family authorized to receive Emergency Assistance funding in accordance with provisions in the Title IV-A State Plan implementing 45 CFR 233.120; and
 - .212 the circumstances specified in Section 31-415.1 are documented in the child's case record.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16501(a)(3), Welfare and Institutions Code and 45 CFR 233.120.

31-420	FOSTER CARE PLACEMENT	31-420
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- .1 The foster care placement shall be based on the following needs of the child including, but not limited to:
- .11 The least restrictive, most family-like environment.
 - .12 The child's age, sex and cultural background, including racial or ethnic and religious identification.
 - .13 Planned parent/guardian-child contacts during the separation, and the specific actions to be taken by the parent(s)/guardian(s) which will facilitate reunification.

31-420	FOSTER CARE PLACEMENT	31-420
	(Continued)	

- .14 Capability of the foster parent(s) to meet specific needs of the child.
- .15 Appropriateness of attempting to maintain the child in his/her current school.
- .16 The child's health and emotional factors.
- .17 Anticipated special needs of the child, including but not limited to transportation, diet, medical and/or psychological care, clothing, recreation, and special education.
- .2 When selecting a foster care placement for the child, the social worker shall adhere to the following priority order:
 - .21 The home of a relative in which the child can be safely placed.
 - .211 When a child is placed under such circumstances, the foster home shall be exempt from licensure pursuant to Health and Safety Code Section 1505.
 - .22 A licensed foster family home, licensed small family home, or a licensed foster family agency for placement in a family home which has been certified by the foster family agency.
 - .23 A family home which has been certified pending licensure.
 - .231 No child shall be placed in a family home which has been certified pending licensure unless the case record documents that the child's specific needs cannot be met by an available licensed or exempt facility.
 - (a) Under such circumstances, the placing worker shall complete the requirements specified in Section 31-445 prior to placement.
 - .24 A licensed group home.
 - .241 Placements in group homes shall be subject to the following additional requirements:

31-420	FOSTER CARE PLACEMENT	31-420
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(Continued)

- (a) The following conditions shall exist and shall be documented in the case plan:
 - (1) Placement is necessary to meet the treatment needs of the child.
 - (2) The group home has a treatment program that meets such treatment needs.
- (b) The social worker shall also document in the case record the reason(s) for the following:
 - (1) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.
 - (2) A description of the types and modalities of treatment program(s) offered and delivered to the child.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 361.2(b), 361.2(e)(2) and (3), 16501.1(b) and (c), and 16507.5(b), Welfare and Institutions Code; and Section 275, Civil Code.

31-425	PERMANENT PLACEMENT	31-425
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- .1 The permanent placement shall be based on the following needs of the child including, but not limited to:
 - .11 The degree of permanency of the available alternatives.
 - .12 The child's age, sex and cultural background, including racial or ethnic and religious identification.
 - .13 Capability of the out-of-home care provider(s), adoptive parent(s), or guardian(s) to meet specific needs of the child.
 - .14 Appropriateness of attempting to maintain the child in his/her current school.

31-425	PERMANENT PLACEMENT	31-425
	(Continued)	

- .15 The child's health and emotional factors.
- .16 Anticipated special needs of the child, including but not limited to, transportation, diet, medical and/or psychological care, clothing, recreation, and special education.
- .2 When selecting a permanent placement for the child, the social worker shall adhere to the priority order specified in Sections 31-201.12(c)(2)(A) through (C).

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 16501 and 16501.1, Welfare and Institutions Code; and Section 275, Civil Code.

31-430	ADDITIONAL REQUIREMENTS FOR VOLUNTARY PLACEMENTS	31-430
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- .1 In addition to the general requirements specified in other Division 31 regulations, the provisions specified below shall apply to voluntary placements.
- .2 Voluntary placement of a nondependent child shall occur only when there is a written voluntary placement agreement between the county and the parent(s)/guardian(s) pursuant to the provisions of Sections 16507.2, 16507.3, and 16507.4(b), Welfare and Institutions Code.
- .3 The social worker shall:
 - .31 Complete the Voluntary Placement Agreement-Parent/Agency.
 - .32 Provide a written statement informing the parent(s)/guardian(s) that he/she may be responsible for a share of the family reunification services costs.
 - .33 Assist the parent(s)/guardian(s) of voluntarily placed children to understand that he/she still retains legal custody of the child even though he/she voluntarily places the child with the agency; and that he/she may limit by written agreement the scope of the foster parent's authority to give parental consent.
 - .34 Ensure that the computation of the share of costs is completed pursuant to Welfare and Institutions Code Section 16507.4(a).

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 16507.2, 16507.3, and 16507.4, Welfare and Institutions Code.

31-435	OUT-OF-COUNTY AND OUT-OF-STATE PLACEMENT REQUIREMENTS	31-435
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- .1 Out-of-county placements shall be subject to the additional criteria specified in Section 31-505.
- .2 Out-of-state placements shall be subject to the additional criteria specified in Section 31-510.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 361.2, Welfare and Institutions Code; and Section 7901, Family Code.

31-440	FOSTER PARENT(S) NOTIFICATION REQUIREMENTS	31-440
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- .1 The foster parent(s) shall be given at least seven calendar days' advance written notice of intent to remove a child, and of the right to request a grievance review.
 - .11 The county shall have the authority to include a waiver of the notice requirement specified in Section 31-440.1 in the written placement agreement with the foster parent(s).
 - .111 Waivers shall not exceed six months from the date of placement.
 - .112 Waivers shall be considered exceptions used solely to meet unusual individual needs.
- .2 The county shall not be required to provide the notice specified in Section 31-440.1 if one or more of the following conditions exist:
 - .21 The child is in immediate danger.
 - .22 A signed waiver of notice has been obtained from the foster parent(s), as specified in Section 31-440.11.
 - .23 A court has ordered the child's removal.
 - .24 Adverse licensing or certification actions have occurred which prohibit the foster parent(s) from continuing to provide services.
 - .25 Removal of a voluntarily placed child is made or requested by the child's parent(s)/guardians.

31-440	FOSTER PARENT(S) NOTIFICATION REQUIREMENTS	31-440
	(Continued)	

- .3 For foster parents providing permanent placement services the social worker shall provide the foster parent(s) with written notice explaining the court order that permanent placement services be terminated.
- .31 The county shall be permitted to use a copy of the court report or modified service plan for purposes of notifying the foster parent(s), if appropriate.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16501, Welfare and Institutions Code.

31-445	CERTIFICATION REQUIREMENTS FOR FOSTER HOMES	31-445
	PENDING LICENSURE	

- .1 Prior to placement of a child in a family home which is pending licensure, the social worker shall certify that the home meets licensing standards, and shall complete the following additional requirements:
- .11 An on-site evaluation of the home shall be conducted. Such evaluation shall include the following:
- .111 An assessment of the prospective foster parent(s) ability and desire to meet the child's specific needs and to participate in planning for the child.
- .112 Verification that the home has no safety defects which could pose a hazard to the child, including, but not limited to, the following:
- (a) An unfenced swimming pool if serving a child who is either under six years of age or has a disability.
- (b) Exposed electrical wiring.
- (c) Inoperative plumbing fixtures.
- .113 Verification that the home is of sufficient size and adequately furnished to meet the needs of the entire foster family.
- .12 Verification shall be obtained that the following have occurred:
- .121 An application for a foster family home license has been made.

31-445	CERTIFICATION REQUIREMENTS FOR FOSTER HOMES PENDING LICENSURE (Continued)	31-445
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- .122 The application and its supportive documents do not raise a possible license denial issue.
- .123 The foster parent agreement has been signed by the foster parent(s).
- .124 The foster parent(s) has signed a statement indicating that he/she has never been convicted of, nor is awaiting trial for, any crime other than a minor traffic violation.
- .13 The documentation specified in Sections 31-420.231 and 31-445.12 shall be completed.
- .14 The licensing agency shall be notified that a placement is to be made, when the placement is to occur, and its estimated duration.
- .15 Written supervisory approval of the placement shall be obtained.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16507.5(b), Welfare and Institutions Code; and Sections 1522 and 1522.05, Health and Safety Code.

**CHILD WELFARE SERVICES PROGRAM
SPECIAL REQUIREMENTS**

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CHAPTER 31-500 SPECIAL REQUIREMENTS

31-501 CHILD ABUSE AND NEGLECT REPORTING REQUIREMENTS 31-501

- .1 The county shall report child abuse as defined in Penal Code Section 11165.6, to law enforcement departments and the District Attorney's Office as specified in Penal Code Section 11166(g).
- .2 When the county receives a report of abuse that has allegedly occurred in a licensed facility, the county shall, as specified in Penal Code Sections 11166.1 and 11166.2, notify the licensing office with jurisdiction over the facility.
- .3 The county shall submit a report pursuant to Penal Code Section 11169 to the Department of Justice of every case it investigates of known or suspected child abuse that it has determined not to be unfounded as defined in Penal Code Section 11165.12.
 - .31 The county shall make information received from the Department of Justice available as specified in Penal Code Section 11170(b)(1).

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11165.12, 11165.6, 11166, 11166.1, 11166.2, 11169, and 11170(b)(1), Penal Code.

31-505 OUT-OF-COUNTY PLACEMENTS 31-505

- .1 Out-of-county placements shall be subject to the provisions of Welfare and Institutions Code Sections 361.2(c) and (d).

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- .11 These statutes provide that children shall be placed in their parents' or guardians' county of residence unless they are placed with relatives or there is no suitable placement in such county, and provide for a notification process to parent(s) or guardian(s).

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- .12 Under such circumstances, the following requirements shall be met:
- .121 The sending county shall be responsible for providing direct supervision and services or arranging for the provision of supervision and services by the receiving county in accordance with Section 31-505.123.
 - (a) The sending county shall specify in the case plan how the service needs of the child, including social worker visitation/contact requirements, are to be met while the child is placed out-of-county.
 - .122 The sending county shall be responsible for services to the child's parent(s)/guardian(s) and continued case plan updates.
 - .123 If the receiving county accepts responsibility for providing supervision and services, the following requirements shall be met:
 - (a) A written agreement shall be executed between the receiving and sending counties which specifies the respective responsibilities of each county.
 - (b) The receiving county shall provide periodic written reports to the sending county on the child's condition and progress in order to facilitate required case plan updates.
 - (c) The receiving county shall concur that the proposed placement meets the child's needs.
 - (d) The sending county shall provide consultation and advice on the case, as needed.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 361.2(c) and (d), Welfare and Institutions Code.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)	31-510
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- .1 The Interstate Compact on the Placement of Children (ICPC) shall be applicable between member states under any of the following circumstances:
 - .11 When an agency or court in a member state, the sending agency, wishes to place a child, for whom it holds legal custody or placement responsibility, in another member state and in a:
 - .111 Boarding or foster family home.
 - .112 Group home.
 - .113 Relative's home, including the home of a parent.
 - .114 Childcaring institution.
 - .12 When an agency or court in a member state has placed a child in foster care or with a relative in a home within that state and intends to continue placement although the family may move, or has moved, to another member state.
 - .13 When an individual in a member state wishes to place a child who is in his custody in another member state in a:
 - .131 Foster family home.
 - .132 Group Home.
 - .133 Relative's home except as excluded under Article 8 of the Interstate Compact.
 - .134 Childcaring institution.
- .2 The ICPC shall not be applicable when a potential foster family makes a routine inquiry or application to an agency in a member state other than the state of family residence.
 - .21 When the state to which they apply wishes to have the home studied as a resource for additional children needing placement, the family shall be directed to apply through an agency in the state in which they reside.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .3 Procedures for children leaving California shall be as follows:
- .31 The California sending agency shall comply with the provisions of Family Code Sections 7900 through 7909.
- .32 The California sending agency shall complete Sections I, II and III of Form ICPC 100A (Rev. 10/91), Interstate Compact Placement Request, and shall:
- .321 Retain one copy in agency files.
- .322 Forward four copies to the appropriate public authority in the receiving state, with two copies of applicable legal documents such as court orders; two copies of summaries of significant information on the child and the prospective foster or relative family; and two copies of a financial and medical services plan, including information on the eligibility of the child for federal Title IV-E assistance.

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- (a) ICPC suggested procedures specify that the receiving state's appropriate public authority should forward copies of the summaries and legal documents to the receiving agency, requiring recommendation on the suitability of the placement plan.
- .33 A home study shall be required for every proposed placement. The California sending agency shall not send a child out of state until it has received, from the appropriate public authority in the receiving state, an ICPC 100A (Rev. 10/91) approved in writing and a home study assessing the following:
- .331 Amount of supervision available from the receiving agency.
- .332 Ability of the community or area of proposed placement to meet any special needs of the child.
- .333 Parental capabilities and problems if the plan involves movement as a family unit.

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31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .334 Appropriate information concerning the family with whom placement is to be made.
- .34 ICPC suggested procedures specify that the receiving state's appropriate public authority will notify the California sending agency of approval or disapproval of the plan for the child by completing Section IV of Form ICPC 100A (Rev. 10/91), signing and forwarding two copies of the form with all additional forms and pertinent information to the California sending agency within 30 days from the date it was received in that state.

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- .35 Prior to placement, the California sending agency shall assure that a financial plan has been developed for the child and that the receiving state has agreed with the plan in writing. Nothing in this section shall be construed as providing entitlement to public social services or aid payments for which the child is not otherwise eligible.
- .36 When the child is placed pursuant to receipt of written approval, the California sending agency shall complete Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, and forward two copies to the appropriate public authority in the receiving state.
- .37 The California sending agency shall cooperate with the receiving agency in ongoing case planning for the duration of placement.
- .38 To report change in placement status:
- .381 The California sending agency shall complete Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, and forward two copies to the appropriate public authority in the receiving state under the following circumstances:
- (a) When there is a change in the placement status of the child.
 - (b) When placement is terminated by adoption decree.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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(c) When there is any other significant change in plans for the child.

.4 Procedures for children entering California are as follows:

.41 The California receiving agency shall comply with the provisions of Family Code Sections 7900 through 7909.

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.42 The ICPC suggested procedures require that the sending state's appropriate public authority forward to the California receiving agency:

.421 Four copies of the signed Form ICPC 100A (Rev. 10/91).

.422 Two copies of applicable legal documents such as court orders, and summaries of significant information on the child to be placed and the prospective foster or relative family.

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.43 Upon receipt of a Form 100A (Rev. 10/91) from the sending state's appropriate authority, the California receiving agency shall complete a home study with a recommendation on the suitability of the placement plan. A home study shall be required for every proposed placement and shall be made to assess the following:

.431 Amount of supervision available from the California receiving agency.

.432 Ability of the community or area of proposed placement to meet any special needs of the child.

.433 Parental capabilities and problems if the plan involves movement as a family unit.

.434 Appropriate information concerning the family with whom placement is to be made.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .44 The California receiving agency shall notify the sending state's appropriate public authority of approval or disapproval of the plan for the child by completing Section IV of Form ICPC 100A (Rev. 10/91) and forwarding two copies of the form with all additional forms pertinent information to the sending state's appropriate public authority.
- .45 Prior to placement, the California receiving agency shall assure that a financial plan has been developed for the child, in cooperation with the sending agency. Upon agreement, the California receiving agency shall verify its acceptance of the plan, in writing. Nothing in this section shall be construed as providing entitlement to public social services or aid payments for which the child is not otherwise eligible.

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- .46 When the child is placed:
- .461 ICPC suggested procedures require that:
- (a) The sending agency shall complete Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, forward copies to the sending state's appropriate public authority.
 - (b) The sending state's appropriate public authority shall sign and forward copies of the form to the DSS.

HANDBOOK ENDS HERE

- .47 The California receiving agency shall cooperate with the sending agency in ongoing case planning for the duration of placement.
- .48 If the social worker determines that it is too dangerous to maintain a dependent minor of the court of another state in the home in which he/she has been placed under the ICPC, the social worker shall:
- .481 Provide emergency shelter care services to the child.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .482 Notify the sending agency and the appropriate public authority in the sending state of the child's removal within 48 hours, excluding nonjudicial days, of its occurrence.
- .483 Assist the sending agency to resolve the placement issue.

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- .49 To report a change in placement status:
 - .491 ICPC suggested procedures require that the sending agency shall complete the "Interstate Compact Report on Child's Placement Status", Form ICPC 100B (Rev. 10/91), and forward copies to the California receiving agency under the following circumstances:
 - (a) When there is a change in the placement status of the child.
 - (b) When placement is terminated by adoption decree.
 - (c) When there is any other significant change in plans for the child.
 - .492 The sending state's appropriate public authority shall forward copies of the ICPC 100B (Rev. 10/91) to the California local receiving agency.

HANDBOOK ENDS HERE

- .5 Jurisdiction over the placed child shall conform to the requirements of Family Code Section 7901, Article 5 (a).

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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.6 Visits

- .61 A visit is not a placement (see Family Code Section 7901, Article 2(d)) within the meaning of the Interstate Compact on the Placement of Children. Visits and placements shall be distinguished on the basis of purpose, duration and the intention of the person or agency with responsibility for planning for the children as to the child's place of abode.
- .62 The purpose of a visit shall be to provide the child with a social or cultural experience of short duration, such as a stay in camp or with a friend or relative who has not assumed legal responsibility for providing child care services.
- .63 A visit for 24 hours or longer shall involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services shall not, of itself, alter the character of the stay as a visit.
- .64 If the child's stay is intended to be for no longer than 30 days and if the purpose is as described in .62, it will be presumed that the circumstances constitute a visit rather than a placement.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .65 A stay or proposed stay of longer than 30 days shall be considered a placement or proposed placement.
- .66 A visit shall not be extended or renewed beyond 30 days.
- .67 If a stay does not from the outset have an express terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.
- .68 If a request for a home study or agency supervision is made by the person or agency which sends or proposes to send a child on a visit, such request shall conclusively establish that the intent of the stay or proposed stay is a placement and not a visit.
- .7 Required forms include the following:
 - .71 Interstate Compact Placement Request, Form ICPC 100A (Rev. 10/91).
 - .72 Interstate Compact Report on Child's Placement Status, Form ICPC 100B (Rev. 10/91).

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 7901, Family Code.

31-515	INDIAN CHILD WELFARE ACT (ICWA) PROVISIONS	31-515
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- .1 When a dependency petition is initiated by the social worker on behalf of a child who is or may be an Indian child the social worker shall:
 - .11 Identify in the petition that the child is or may be an Indian child as defined by the ICWA.
 - .111 To make such a determination, the social worker shall ask the child, his parent or custodian whether the child is or may be a member of an Indian tribe, or whether the child identifies himself/herself as a member of a particular Indian organization.

31-515	INDIAN CHILD WELFARE ACT (ICWA) PROVISIONS	31-515
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(Continued)

- (a) When there is any oral or written information which indicates that the child is or may be an Indian child, the social worker shall:
 - (1) Obtain the name, address, date of birth, and tribal affiliation of birth parents, grandparents, and great grandparents.
 - (2) Obtain the name and address of tribal governing organizations.
 - (3) Complete Request for Confirmation of Child's Status as an Indian (SOC 318).
 - (4) Obtain a copy or photocopy of the child's state certified birth certificate.
 - (5) Send completed Request for Confirmation of Child's Status (SOC 318) and the birth certificate to the Bureau of Indian Affairs (BIA), Attention Tribal Operations for a determination as to whether or not the child is an Indian as defined by the ICWA.
- .112 If a determination is made that a child is or may be an Indian child as defined by the ICWA after the initial petition is filed with the court, the county shall file an amended petition notifying the court of this determination.
- .12 Give notice to the Indian child's parent(s) or Indian custodian(s) and the child's tribe(s), by registered mail with return receipt requested, of the pending proceedings and their right to intervene at any point in the proceedings. This notice shall be sent on Form SOC 319 "Notice of Hearing" and must be received by the Indian child's parent(s) or custodian and tribe no later than 10 days prior to the hearing date.
- .121 When the identity or location of the parent(s), Indian custodian(s), or tribe cannot be determined, notice shall be given to the Secretary of the Interior (Secretary) by registered mail, return receipt requested.

31-515	INDIAN CHILD WELFARE ACT (ICWA) PROVISIONS	31-515
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(Continued)

- (a) Notice to the Secretary shall be mailed to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, California, 95825.
 - (b) The notice shall include the following information if known:
 - (1) Indian child's name, birthdate, and birthplace.
 - (2) Indian child's tribal affiliation.
 - (3) Name, birthdate, birthplace and mother's maiden name of the Indian child's parent(s) or Indian custodian(s).
 - (4) A copy of the petition, complaint, or other document by which the proceeding was initiated.
- .122 The Secretary will have 15 days from receipt of notice to provide the required notice in Section 31-515.12 to the parent(s), Indian custodian and tribe.

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- .123 A tribe, parent or Indian custodian entitled to notice of the pending of a child custody proceeding has a right, upon request to the court, to be granted an additional 20 days from the date upon which notice was received to prepare for participation in the proceeding.

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- .13 Document efforts made to provide services and rehabilitative programs designed to prevent the breakup of the Indian family, and that such efforts were unsuccessful.
- .131 It shall not be necessary to show such efforts have been made in emergency situations prior to temporary removal from the home where it is determined that, even with reasonable services being provided, such removal is essential to protect the child from serious physical or emotional damage.

31-515	INDIAN CHILD WELFARE ACT (ICWA) PROVISIONS	31-515
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(Continued)

- (a) Efforts to provide services shall be made subsequent to such emergency removal.
- .132 Where an emergency situation exists and it has been determined that an Indian child must be temporarily removed from the home, the worker shall make efforts to place the child in an Indian home, and shall notify the appropriate Indian tribal entity of the removal in order to solicit tribal assistance and support in the placement of the child.
- .14 Present to the court clear and convincing evidence, by qualified expert witnesses in addition to testimony of county staff involved in the dependency action, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Where the county provides the expert witness, the witness shall be:
 - .141 A person other than the social worker who initiated the dependency action and:
 - (a) A member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child rearing practices; or
 - (b) A lay expert witness who has substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or
 - (c) If a person described in Section 31-515.141(a) or (b) is not available a professional person who has substantial education and experience in the area of his or her specialty.
- .2 If at the time of the dependency court appearance, no determination has been made regarding the child's status as an Indian child, as defined by the ICWA, the social worker shall:
 - .21 Advise the court of all information which indicates that the child may be an Indian child.

31-515	INDIAN CHILD WELFARE ACT (ICWA) PROVISIONS	31-515
	(Continued)	

- .22 Advise the court of all efforts made to establish the child's status as an Indian child.
 - .23 Request direction from the court on how to proceed with the dependency action.
 - .24 Continue contacts with the BIA until the question of the child's status as an Indian child, as defined by the ICWA, has been resolved and the resolution is documented in the case record for future reference.
- .3 The provisions of Section 31-515 et seq. shall be met when a petition for continued detention is filed by the social worker on behalf of an Indian child.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 25 USCA Section 1901 et. seq.

31-520	PLACEMENT OF INDIAN CHILDREN	31-520
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- .1 In addition to the placement requirements specified in Chapter 31-400, the following requirements shall also apply when placing Indian children:
- .11 The standards to be applied in Indian child placements shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family member maintains social and cultural ties.
 - .12 In any placement of an Indian child, the agency shall select the least restrictive placement which most approximates a family.
 - .121 Unless there is good cause to the contrary or the child's tribe establishes a different order of preference by resolution, the order of placement preference shall be as follows:
 - (a) A member of the Indian child's extended family.
 - (b) A foster home approved, specified or licensed by the Indian child's tribe.
 - (c) An Indian foster home licensed or approved by an authorized non-Indian licensing authority.

31-520	PLACEMENT OF INDIAN CHILDREN	31-520
	(Continued)	

- (d) An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.
- .13 The order of placement preference specified in Sections 31-520.121(a) through (d) shall not override current state licensing regulations.
- .14 Licensure by an Indian child's tribe shall not constitute licensure by the state, nor shall licensure by the state constitute licensure by the Indian child's tribe.
- .2 When an Indian child's parent(s) or Indian custodian voluntarily consents to a foster care placement, the following requirement shall be met:
- .21 The authorized agency official and the Indian child's parent(s) or Indian custodian shall appear together before a judge of the Superior Court to sign the consent Form SOC 155-C.
- .211 If a parent wishes to make a voluntary foster care placement of a newborn through a licensed adoption agency, and is considering relinquishment of the newborn to the agency, the appearance before the judge shall not be required unless the foster care placement continues for more than 30 calendar days because the relinquishment is not taken within such time period.
- .22 In the presence of the judge and before the consent can be signed, the agency official shall explain the terms and consequences of the consent in detail to the Indian child's parent(s) or Indian custodian in a language understood by the parent(s) or Indian custodian.
- .23 For the consent to be valid, it shall be necessary for the judge to certify in writing that the terms and consequences of the consent were fully explained in detail and fully understood, including that:
- .231 The consent may be withdrawn and the child returned to the parent(s) at any time.
- .232 The placement of the child will be in accordance with the order of placement preference specified in Sections 31-520.121(a) through (d).

31-520	PLACEMENT OF INDIAN CHILDREN	31-520
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(Continued)

- (a) When a consenting parent evidences a desire for anonymity, the agency shall inform the court of the desire and shall request direction from the court in applying the preferences.
- .233 The return of the child shall be within an agreed-upon time period, ordinarily not to exceed three working days. In no case shall the return of the child require more than seven calendar days following the parent's request.
- .24 Any consent given prior to or within ten working days of the birth of the Indian child shall not be valid.
- .241 During such time period, the child shall be provided with necessary child protective services.
- .3 Requirements regarding case records shall include the following:
 - .31 All Indian child placements shall be clearly documented on the placement history Form SOC 153.
 - .32 Efforts to comply with the placement preference order specified in Sections 31-520.121(a) through (d) shall be documented, and any deviations to the order shall be fully explained.
 - .33 The placement history shall be available to the Secretary of the Interior and/or the child's Indian tribe, upon request to the county.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 25 USCA Section 1901 et seq.

31-525	INDEPENDENT LIVING SKILLS PROGRAM	31-525
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- .1 For each child in placement, age 16 or older, the social worker shall develop a written transitional independent living plan which describes the programs and services, including employment, as appropriate, which will help the child prepare for the transition from foster care to independent living.
- .11 The written transitional independent living plan shall be incorporated into the case plan specified in Section 31-205.47.

31-525	INDEPENDENT LIVING SKILLS PROGRAM	31-525
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(Continued)

- .111 If employment is part of the written transitional independent living plan the case plan must state that the purpose of employment is to enable the child to gain knowledge of needed work skills, work habits, and the responsibilities of maintaining employment.
- .12 Independent living services shall be provided, as appropriate, based on the written transitional independent living plan.
- .13 A copy of the written transitional independent living plan shall be provided to each child receiving independent living services.
- .14 The case record shall include any written authorization by the social worker or probation officer for withdrawal of cash savings, for purposes of emancipation, acquired through participation in the Independent Living Program (ILP).
- .15 When income and incentive payments are earned as part of the written transitional independent living plan, the requirements of Welfare and Institutions Code Sections 11008.15 and 11155.5 shall also apply.

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- .151 Examples of incentive payments are cash, not to exceed \$600 annually, and/or household items, such as, pots and pans, linens, kitchen utensils, or other items to help the child in later establishing a household.

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- .16 If transitional independent living services are not appropriate, the social worker shall document in the case plan the reason(s) why they are not appropriate. These services shall be inappropriate only if the child is physically or mentally not able to benefit from such services.
- .17 The written transitional independent living plan shall be in place as specified in Sections 31-525.11 through .15; however, services shall be subject to the continued availability of federal independent living funds.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USC Sections 675 and 677.

31-530	MINOR PARENT SERVICES (MPS)	31-530
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- .1 Referral of Minor Parent Pursuant to Welfare and Institutions Code Section 11254(b)(3).

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- .11 Referral of a Minor Parent specified in Welfare and Institutions Code Section 11254(b)(3) occurs when a minor parent applies for AFDC and alleges that their physical or emotional health or safety, or that of their child(ren) would be jeopardized if they lived in the same residence with their parent, legal guardian or other adult relative. AFDC county eligibility staff will not make a final determination about granting aid, except in cases where Immediate Need is requested, until a CWS social worker informs AFDC county eligibility staff whether the minor parent and his/her child(ren) can safely reside in the senior parent's, legal guardian's or other adult relative's home.

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- .12 Within 20 calendar days of receiving a referral pursuant to Welfare and Institutions Code Section 11254(b)(3), the CWS social worker shall complete an in-person investigation of the allegation to determine whether the physical or emotional health or safety of the minor parent or child(ren) would be jeopardized if they lived in the same residence with the minor parent's own parent, legal guardian or other adult relative.
- .13 If the referral is unfounded, the CWS social worker shall document the factors contributing to this determination, and shall complete and return the referral form to the county AFDC office.
- .14 If the referral is not unfounded, the CWS social worker shall document the factors contributing to this determination and shall complete and return the referral form to the county AFDC office and follow the procedures set forth in Section 31-530.2.
- .2 Referral of Minor Parent Determined to Meet Exemption Pursuant to Welfare and Institutions Code Section 11254(b). (Section 31-530.2 et seq. is to be implemented on June 1, 1997).

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- .21 Minor parent exemptions specified in Welfare and Institutions Code Sections 11254(b)(1) through (4) are:
- .211 Minor parent has no parent or legal guardian who is living or whose whereabouts are known.

HANDBOOK CONTINUES

31-530	MINOR PARENT SERVICES (MPS)	31-530
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(Continued)

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- .212 Minor parent has no parent or legal guardian who will allow the minor parent to live in his/her home.
- .213 The CWS social worker has determined that the physical or emotional health or safety of the minor or child(ren) would be jeopardized if the minor and child(ren) lived in the same residence with the minor's own parent, legal guardian or other adult relative.
- .214 Minor parent has lived apart from his/her parent(s) or legal guardian(s) for a period of at least one year before either the birth of any such child or the minor parent having made application for aid.

HANDBOOK ENDS HERE

- .22 Within 30 calendar days of receiving a referral on a minor parent meeting an exemption pursuant to Welfare and Institutions Code Section 11254(b), the CWS social worker shall:
 - .221 Complete an in-person assessment of the minor parent and his/her child(ren) to determine whether the minor parent and his/her child(ren) are capable of living independently.
- .23 Based on the findings of the in-person assessment, the CWS social worker shall either:
 - .231 Document the factors contributing to a determination that a minor parent is unable to live on his/her own.
 - (a) If the minor parent is unable to live on his/her own, the CWS social worker shall complete the investigation, assessment and case planning process described in Sections 31-125 through 31-325.
 - or
 - .232 Document the factors contributing to a determination that a minor parent is able to live on his/her own and develop a safety plan.

31-530	MINOR PARENT SERVICES (MPS)	31-530
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.24 Except as provided in Section 31-530.3, counties must provide MPS, pursuant to Welfare and Institutions Code Section 16506(d), to minor parents and their children referred and who meet an exemption pursuant to Welfare and Institutions Code Section 11254(b), when a CWS social worker has determined the minor parent is able to live independently. Counties may contract with another county agency or non-county service provider to provide MPS.

.241 When a county chooses to contract for MPS, the contract must, at a minimum, specify the following:

- (a) How the services are to be provided;
- (b) The process by which minor parents will be referred for MPS;
- (c) The process for reporting to the county on the progress of families served;
- (d) The process for on-going assessments; and
- (e) The process for ensuring that visits and referrals will occur.

.3 MPS shall be terminated when:

.31 The minor parent turns 18 years old; or

.32 The minor refuses MPS.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11254, 16504, 16504(b), 16506, and 16506(d), Welfare and Institutions Code.